UNITED
NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/SR.151
19 August 1993

ENGLISH
Original: FRENCH

COMMITTEE AGAINST TORTURE

Tenth session

SUMMARY RECORD OF THE 151st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 28 April 1993, at 10 a.m.

Chairman: Mr. VOYAME

CONTENTS

Joint meeting with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture

Organizational and other matters

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-13330 (E)

The meeting was called to order at 10.05 a.m.

JOINT MEETING WITH THE BOARD OF TRUSTEES OF THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE

1. Mr. Hatano, Mr. Tosevski and Mr. Walkate (United Nations Voluntary Fund for Victims of Torture) took places at the Committee table.

2. The CHAIRMAN welcomed the members of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, and said that Mrs. Odio-Benito, who had been due to take part in the meeting, had been urgently recalled to Costa Rica because of the serious events which had taken place there.

3. He invited Mr. Walkate, Chairman of the Board of Trustees, to chair the joint meeting with him and to inform the Committee of the Board's activities.

4. Mr. WALKATE (United Nations Voluntary Fund for Victims of Torture), Co-Chairman, stressed the importance attached by the members of the Fund's Board of Trustees to meetings with the Committee. The Board would continue to ensure that whenever possible its sessions coincided with those of the Committee. The cooperation and contacts, both informal and official, between the two bodies, and with the Special Rapporteur on questions of torture, constituted the very essence of United Nations action on behalf of victims of torture.

5. Thanks to the efforts and efficiency of the secretariat, without which the Board of Trustees would be unable to operate, it had been possible to prepare a consolidated report on the Fund's 10 years (1982-1992) of activity (E/CN.4/1993/23). That document, which contained a wealth of data and statistics, should make it possible better to perceive in which areas the Board on the one hand and the Member States on the other should be more active.

6. He introduced the consolidated report (E/CN.4/1993/23) and drew attention to figure 1, which showed the trend in the number of donor States and number of programmes; the figure showed that the number of programmes had steadily increased, while the number of donors had remained stationary or even fallen. Paragraphs 16 and 20 showed that 41 States had contributed a total of over US$ 8 million to the Fund. Although that figure might seem high, when it was spread over 10 years and the large number of programmes financed taken into account, it was actually rather disappointing. Tables V to VIII showed the breakdown of contributions by geographical area. Contributions from Africa were merely symbolic, and those from the Americas and the Caribbean were modest, as were those from Asia, Oceania and the Middle East; Europe was the main donor and accounted for an average of 85 per cent of total contributions, almost 50 per cent of which came from the Nordic countries, which remained the most generous donors: Sweden had raised its contribution for 1993 to $350,000, and its contribution would exceed $500,000 in 1994. The United States had raised its annual contribution from $100,000 to $500,000.

7. As for the use of the funds, the Board of Trustees had endeavoured over the past 10 years to develop a procedure, or even a form of case law. With

the assistance of the secretariat a range of criteria had been developed, and every project submitted for financing by the Fund had to meet the criteria recommended by the Board of Trustees and approved by the Secretary-General. Any organization that requested Fund support had to furnish a detailed statement of the assistance it would provide to torture victims, together with all the necessary details regarding the number of victims of torture it cared for, without giving their names but specifying in particular the type of torture suffered and the type of treatment administered. As a result, the Board of Trustees regularly received very detailed reports from centres operating throughout the world which submitted anonymous files giving details of cases and of the way in which they were treated. For its part the secretariat constantly provided the centres with details of the criteria adopted, explanations of how the Fund operated, requests for clarification, etc. Understandably, applications frequently failed to meet the criteria set. In such cases, letters were exchanged and there were sometimes hearings before the Board of Trustees in order to clarify the situation. Frequently, projects which had encountered difficulties in starting up had expanded and subsequently received considerable funds.

8. At its annual meeting, the Board reviewed all the programmes receiving assistance. Occasionally, albeit rarely, it had to deal with an emergency, when a victim contacted it directly for treatment not covered by a project. Alternatively, an organization might appeal to it because it was in difficult financial straits. That had been the case in 1992 particularly, when the Board had only been able to satisfy 40 per cent of applications for support, which had dealt a severe blow to some organizations. In emergencies, a special procedure enabled the Chairman to authorize payment of emergency grants of up to $10,000 per case.

9. Table XVII showed the number of projects submitted to the Fund and the number of programmes actually assisted. Many of them were very short-term - seminars or training courses - while others were long-term undertakings - centres opened in Argentina, Chile, Uruguay, the United States, Canada, the United Kingdom and Denmark in particular.

10. Paragraph 40 of the consolidated report (E/CN.4/1993/23) provided a breakdown of the projects by type of programme; it showed that medical assistance accounted for almost one third of the total, followed by psychological assistance. Economic and social rehabilitation were frequently necessary as many victims were totally destitute.

11. Paragraph 51 of the report contained a geographical breakdown of projects and programmes by region. In Africa, 14 projects had been subsidized by the Fund; the programmes carried out in North America had received $311,000 in assistance; over $3.3 million had been paid to South America and the Caribbean, while during the period under review Asia and the Middle East had received almost $1 million. Europe, where torture victims generally found refuge, had received approximately $2 million.

12. Over the previous year the Fund had faced serious financial difficulties. It was unable to satisfy all the requests, even the most worthwhile; it occasionally received requests that were either excessive, unsubstantiated or beyond its purview, but even after selection it was not possible to satisfy

all applications. At its current session, the Board of Trustees had been faced with reasonable requests worth $3.4 million, although only $2 million had been available: as a result, it would be able to meet only 60 per cent of the requests it would have liked to satisfy.

13. By agreement with the Secretary-General, the Board of Trustees had decided to launch a fund-raising campaign. Accordingly, in 1992 the then Under-Secretary-General for Human Rights and the Chairman of the Board of Trustees had sent letters to all Ministers for Foreign Affairs requesting them to contribute to the Fund or to increase their contributions. The new Under-Secretary-General for Human Rights, Mr. Ibrahima Fall, had also expressed his interest in the Fund and his wish to support it. As indicated in paragraphs 62 to 66 of the consolidated report, the members of the Board of Trustees themselves actively contributed to the campaign, which was expected to reach a peak at the time of the World Conference on Human Rights; the Board of Trustees had requested support from the Secretary-General to organize a fund-raising meeting during the World Conference itself, to enable States to back the principles they would defend from the rostrum with financial support. In addition, efforts had been made to promote the Fund, including the publication of a new pamphlet.

14. The Board of Trustees requested support from the Committee against Torture in seeking funding; it was aware that the Committee systematically drew the attention of States reporting to it to the need to contribute to the Fund. The Board had set minimum targets for contributions: $100,000 per year for the industrialized countries and $10,000 for the developing countries; those figures were quite reasonable and could be achieved without difficulty. If necessary, the members of the Committee could remind their respective Governments of those targets. Lastly, private individuals were also invited to contribute to the Fund.

15. The CHAIRMAN thanked Mr. Walkate for his presentation, in which he had highlighted the importance of the activities financed by the Fund, especially in the field of medical and psychological assistance. The Committee would seize every opportunity to draw the attention of Governments and of the press to the need to contribute to the Fund.

16. Mr. DIPANDA MOUELLE noted that the developing countries in general and the countries of Africa in particular contributed little to the Fund. He asked whether that was because of a lack of information, or lack of interest in a problem that nevertheless affected a great many people in some African countries.

17. Mr. WALKATE (Voluntary Fund), Co-Chairman, said that a combination of many factors accounted for the small contributions to the Fund by Africa and certain other regional groups: ignorance of the Fund's existence or even the very existence of torture; sometimes refusal to acknowledge the existence of the phenomenon; fear that payment of a contribution might suggest that torture was practised in one's own country, and lastly economic problems that led to the choice of other priorities. In that connection, it would be encouraging for the Board of Trustees if African or other developing countries made a symbolic gesture by making a contribution, however small, thereby demonstrating their recognition of the Fund's existence and their concern for

the victims of torture and their families. The experts from African countries could discuss that among themselves. Unfortunately, Mr. Wako, a Kenyan member of the Board of Trustees, had been prevented from attending the current session by his commitments. However, he himself was prepared to cooperate with any regional group that took the initiative of organizing a meeting on the subject.

18. Mr. PREMONT (Secretary of the Board of Trustees of the Voluntary Fund) said that contributions had occasionally been made by African States, for example Kenya and Senegal in 1987, Cameroon and Togo in 1989; other developing countries, for example Sri Lanka, made symbolic but quite regular contributions. Chile had just contributed for the first time and Costa Rica had pledged a contribution. Indonesia had just made a contribution, and Brunei Darussalam and Kuwait had shown interest that might lead to contributions.

19. Mr. BEN AMMAR suggested that the Fund, as well as governmental and non-governmental organizations dealing with problems relating to torture, should carry out a public information campaign to make it clear that a contribution to the Fund in no way implied that there were victims or that torture was practised in the contributing country.

20. In addition, he said that there seemed to be a need for specific emergency action in Morocco involving a small sum of some $5,000.

21. Mr. PREMONT (Secretary of the Board of Trustees of the Fund) said that States were regularly informed of the Fund's activities. An annual report was submitted to the General Assembly and another to the Human Rights Committee. A letter, signed by the Under-Secretary-General for Human Rights, was regularly sent to Governments requesting them to contribute to the Fund.

22. He said that difficult situations arose, and cited the example of the Human Rights Foundation of Turkey, which had originally been meant to be known as the Turkish Foundation Against Torture. However, the authorities had informed its officials that there was no question of them using that title, as torture did not exist in Turkey.

23. Mr. SORENSEN said that one of the serious consequences of torture was loss of self-respect, and that everything possible should be done to restore it to the victim. Even a minimal and symbolic national contribution to the Fund was seen in a very positive light by the victims, as recognition by the State of their torture and suffering. He also mentioned the Istanbul Declaration (E/CN.4/1993/23/Add.2), in which an appeal was made to the United Nations and to its Member States to increase their contributions to the Fund.

24. Mr. WALKATE, Co-Chairman, said that none of the countries of the former Eastern bloc had made a contribution to the Fund. For the reasons cited by Mr. Sørensen, any contribution, even symbolic, would be highly appreciated.

25. Referring to the Istanbul Declaration, he said that the Fund had set a long-term objective of $25 million.

26. Mr. BURNS paid tribute to the work of the Fund and emphasized the considerable results that could be achieved in that sphere with almost derisory funds.

27. He commended the authors of the report, which was exemplary and which he would use in the seminar for which he was responsible.

28. Commenting on table XV of document E/CN.4/1993/23, he praised the three countries - Finland, Denmark and Germany - which alone accounted for 44 per cent of the contributions made to the Fund.

29. He wished to correct a mistake made earlier and noted that Spain had in fact made a contribution to the Fund.

30. Mr. WALKATE, Co-Chairman, pointed out that the effectiveness of the activities financed by the Fund was largely attributable to the assistance provided by large numbers of volunteers.

31. The CHAIRMAN summarized the activities of the Committee Against Torture. They lay somewhat upstream from those of the United Nations Voluntary Fund for the Victims of Torture. The prime objective was to prevent torture, and in those countries where torture occurred, to punish torturers. The Committee's action was threefold. In the case of the 72 States which had ratified the Convention Against Torture, the Committee's main task was to receive and consider the reports that the States were required to submit to it every four years. At its current session eight reports were to be submitted. Six of them had actually been considered. Four of them had posed no particular problems: in the case of Canada, the Committee had merely requested a number of additional statistics; the Committee had paid tribute to Panama's penal institutions; Hungary had been informed that a number of changes were necessary to enable all the provisions of Hungarian legislation to conform to the Convention. As for Sweden, it was a model country in every respect. However, the Committee was concerned about the situation in two of the countries which had submitted a report.

32. The first case was that of China, which had submitted its additional report. The report described a number of measures adopted to bring domestic legislation more into line with the Convention, although the Committee had expressed its concern about the torture and ill-treatment that apparently persisted in Tibet. The Government of China had been asked to punish those responsible. Other recommendations concerned the necessary guarantees for detainees (the possibility of consulting a lawyer or a doctor, or of contacting their family). The Committee had also found that there was no clear separation of powers between the police and the courts, and that both administrative and legal proceedings should automatically be initiated in cases of torture. Moreover, judges, prison personnel and the police should be better trained.

33. In the case of Spain, the Committee had found that it did not observe all the commitments incumbent upon it under the Convention. The Committee had in particular expressed its concern about the number and seriousness of allegations of torture and, even more, about the virtual impunity enjoyed by torturers.

34. The second aspect of the Committee's work concerned cases in which there were well-founded indications that torture was being systematically practised in a country (see the Convention, article 20); the Committee automatically carried out an inquiry and if necessary appointed one or several of its members to visit the country. The inquiry was confidential. Inquiries were currently under way, but in view of their confidential nature he could give no details.

35. Lastly, if a State had duly recognized the competence of the Committee, individual victims of torture could submit complaints to it directly (see the Convention, article 22). That procedure was known as the "communications" procedure. Four communications had been considered at the current session; they too were confidential.

36. Lastly, with regard to the impact of the Committee's work, he repeated the information provided by Mr. Lorenzo concerning Mexico, whose report had been considered in November 1992. At that time, the Committee had found that Mexico's laws and institutions were excellent, but that they had little practical effect. Torture was widely practised, for example, in police stations. There were numerous complaints but far fewer convictions, and there was almost total impunity. However, the Mexican press had given broad coverage to the Committee's findings, causing a political crisis: the President of the Republic had been forced to dismiss the Minister of Justice and had replaced him by the former Chairman of the Commission on Human Rights. In addition, Mrs. Diaz Palacio, a former member of the Committee Against Torture, had been appointed to the Government.

37. The Committee's work, therefore, had an undeniable impact. As an illustration, he had heard that several articles had appeared in the press concerning China, following the Committee's consideration of its report, although he had not been able to verify the fact. He deplored the absence of a documentation centre with better facilities.

38. Mr. WALKATE, Co-Chairman, returned to the question of impunity and the absence of prosecution and requested the Committee to make its voice heard every time impunity came to its attention, as victims suffered twice over when their torturers remained free and still occupied their posts.

39. Moreover, he requested the Committee to be as flexible as possible in considering complaints and to weigh its decision carefully before declaring a complaint inadmissible, since beyond legal considerations concerning delays or prescription there lay human suffering. Moreover, the consequences of torture might appear long after the act and a deadline could easily be passed.

40. The CHAIRMAN, referring to the case of Argentina, to which Mr. Walkate had alluded, said that the Committee had no legal mandate to carry out an investigation, since the acts involved in the complaint had occurred before the Convention had come into force for Argentina. It had nevertheless requested information from the Government of Argentina on the fate of the victims of acts of torture there, and the Government of Argentina had replied to its request. Thus, in accordance with its principles, the Committee had done everything within its power on behalf of victims, without applying the rule any more strictly than had been necessary on that occasion.

41. Regarding the film entitled "Off Limits", he said that he had himself made extensive use of it in his lectures and he strongly recommended all the members of the Committee to take inspiration from it.

42. Mr. SORENSEN briefly described the action carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, of which he was the first Vice-President. The Committee was solely concerned with preventing torture, and in contrast with the Committee Against Torture it held only closed meetings, as its work was confidential. There was no overlap between the two Committees; on the contrary, as they pursued a common objective, their activities dovetailed very well.

43. The European Committee, which had been in existence for three and a half years, currently comprised representatives of the 23 original European member States, although its composition would probably be expanded to include representatives of Hungary, Bulgaria, Poland, the Czech Republic, the Slovak Republic, the Baltic States, Slovenia, Moldova and Belarus. At the end of 1993 the Committee should have completed all the visits planned to the original 23 European countries. The visits were normally made by four or five members of the Committee, assisted by one or two experts and members of the Secretariat, depending on the specific requirements of the country concerned. Each visit lasted from 10 to 15 days. The reports subsequently prepared were confidential, although member States could authorize their publication at the Committee's request. Reports had been published in the following countries, in chronological order: Denmark, Austria, the United Kingdom, Malta, Sweden, Switzerland, France and Finland. If a State opposed publication of a report concerning it, the Committee could decide, by a majority of two thirds of its members, to issue a public statement, the text of which was transmitted to the State concerned. Lastly, regarding the future work of the European Committee, some members had proposed that the European Convention should be opened for signature by States that were not members of the Committee but which sat on the Conference on Security and Cooperation in Europe; that suggestion might shortly be put into effect.

44. Mr. WALKATE (Voluntary Fund), Co-Chairman, asked whether, if a member State did not authorize publication, the report remained confidential indefinitely or whether, after a certain time had elapsed following the Committee's recommendation in favour of publication, sanctions could be taken against the State concerned.

45. Mr. SORENSEN confirmed that member States could request that reports concerning them should remain confidential indefinitely. However, member States frequently agreed that reports about them could be published, provided they were accompanied by the replies they had given the Committee, as required. An example was the report concerning France, which had been published together with the replies provided by the Government of France. In that connection, the Committee had been gratified that its recommendations had been duly implemented and that the Government of France had set up a permanent commission to deal with torture, composed of representatives of the Ministries of Health, Justice, the Interior, Defence and Foreign Affairs. However, the Committee could not impose any specific sanction on a member State which did not wish to participate in a dialogue with it.

46. Lastly, he confirmed that the representatives of the European Committee had visited Turkey four times and Spain once. However, he pointed out that visits to member States were not the only procedure available to the Committee. It corresponded regularly with member States, thus continuing the dialogue in accordance with its mandate.

47. The CHAIRMAN thanked the representatives of the United Nations Voluntary Fund for their participation in the joint meeting with the Committee.

48. Mr. WALKATE (Voluntary Fund), Co-Chairman, thanked the members of the Committee for the welcome they had given the members of the Board of Trustees of the Fund and expressed the hope that it would be possible for other, equally fruitful joint meetings to take place in the future.

49. Mr. Hatano, Mr. Tosevski and Mr. Walkate (United Nations Joint Fund for Victims of Torture) withdrew.

The meeting was suspended at 11.25 a.m. and resumed at 11.35 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

50. The CHAIRMAN informed the Committee of the decision taken at a closed meeting concerning the Committee's participation in the World Conference on Human Rights. The Committee had decided that its Chairman would be its official representative at the Conference, but that he could delegate his authority to Mr. Sorensen, as principal representative of the Committee, and to Mr. Ben Ammar and Mr. Burns, who would be present at the Conference.

51. With regard to the letter transmitted to the Committee by Mrs. Diaz Palacios, in which the Government of Mexico invited representatives of the Committee to visit Mexico in order to provide the Mexican judicial authorities with technical assistance, the Committee had decided that it should take up the invitation. Accordingly, the Chairman of the Committee would probably be able to visit Mexico for a fortnight and Mr. Gil Lavedra would be able to take responsibility for the rest of the Committee's task on the spot. Moreover, it would certainly be desirable for a member of the Secretariat, if possible Mr. Bruni, to take part in the Committee's mission.

The meeting rose at 11.55 a.m.